

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PAULA FOOTE, individually and on
behalf of others similarly situated,

Plaintiff,

v.

MATRIX WARRANTY SOLUTIONS,
INC.
d/b/a ELEMENT PROTECTION, CAR
PROTECTION USA d/b/a CLEAR
PATH, and JOHN DAVIS

Defendants.

CIVIL ACTION FILE NO. 1:19-cv-
04381-LMM

**DEFENDANTS MATRIX WARRANTY SOLUTIONS, INC., CLEAR PATH,
AND JOHN DAVIS' MOTION TO DISMISS PLAINTIFF'S FIRST
AMENDED CLASS ACTION COMPLAINT**

Defendants Matrix Warranty Solutions, Inc. d/b/a Element Protection (“Matrix”), Car Protection USA d/b/a Clear Path (“Clear Path”), and John Davis (“Davis”), by and through counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(2), respectfully move the Court to dismiss Plaintiff’s First Amended Class Action Complaint for lack of personal jurisdiction. Defendants contemporaneously submit and file herewith their Memorandum in Support of this motion.

WHEREFORE, for the reasons stated in their Memorandum in Support of their Motion to Dismiss, Matrix, Clear Path, and Davis respectfully request that the Court grant their Motion to Dismiss and enter an order dismissing the First Amended Class Action Complaint as to Matrix, Clear Path, and Davis, and further grant them any such other and relief that the Court deems equitable and just.

Dated: February 3, 2020

Respectfully Submitted,

BERMAN FINK VAN HORN P.C.

/s/ Benjamin I. Fink

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*Counsel for Defendants Matrix Warranty
Solutions, Inc., Car Protection USA, and
John Davis*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES 7.1D AND 5.1B

I hereby certify that the foregoing Motion to Dismiss complies with the Local Rules' requirements as it was prepared using 14-point Times New Roman font.

/ s/ Benjamin I. Fink

BENJAMIN I. FINK

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2020, the foregoing Motion to Dismiss was filed with the Clerk of the Court through the Court's electronic filing system, will automatically send e-mail notification of such filing to the following attorneys of record:

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